

Press Release

## **New EMN inform published: *Application of the Temporary Protection Directive for displaced persons***

**According to UNHCR, over 5.4 million Ukrainians have left Ukraine in search of safety, primarily arriving in neighbouring EU and third countries (including Moldova).<sup>1</sup> This inform outlines the scope of the Temporary Protection Directive and the registration processes in place for persons fleeing the war in Ukraine. The analysis in this inform is based on contributions provided by 26 Member States.<sup>2</sup>**

*Brussels, 5 July 2022*

The Temporary Protection Directive was first activated by the Council on 4 March 2022 in response to the refugee crisis caused by Russia's invasion of Ukraine on 24 February.<sup>3</sup> This inform outlines the scope of the Temporary Protection Directive and the registration processes in place for persons fleeing the war in Ukraine. The analysis in this inform is based on contributions provided by 26 Member States.<sup>4</sup>

Article 2(1) of Council Decision 2022/382 outlines three categories of persons to whom temporary protection applies: (i) Ukrainian nationals residing in Ukraine on or before 24 February 2022; (ii) stateless persons and nationals of third countries other than Ukraine, who benefitted from international protection or equivalent national protection in Ukraine before 24 February 2022; and (iii) family members of the abovementioned groups. Whilst the Temporary Protection Directive allows Member States to have national complementary schemes in place, the majority of responding Member States<sup>5</sup> reported applying temporary protection exclusively under the Temporary Protection Directive.

For Ukrainian nationals who were already present on the territory of a Member State before the invasion, Member States have applied different measures. Many Member States reported taking measures to enable Ukrainian nationals legally residing on their territory to remain even after their visas or other legal basis of stay had expired. Others requested that people apply for an extension of their current permit, request temporary protection, or apply for asylum.<sup>6</sup> A few Member States reported extending protection to persons who had only *temporarily* left Ukraine before the outbreak of the conflict, and who were unable to return to Ukraine.<sup>7</sup> With regard to Ukrainian nationals in an irregular situation, a few Member States reported stipulating that such individuals would be given a legal basis for temporary stay and that any return decision was thereby postponed or invalidated.

In line with Article 9 of the Temporary Protection Directive, Member States are required to provide beneficiaries of temporary protection with a document, in a language they can understand, clearly stating the temporary protection provisions that apply to them. All responding Member States reported taking steps to provide beneficiaries with information. Official institutional websites were the main medium to communicate information relating to temporary protection and other information of interest. This was followed by printed materials, such as leaflets/brochures, and hotlines (usually providing a 24h service). A few Member States reported using non-governmental online outlets

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<sup>1</sup> UNHCR Operational Data Portal – Ukraine Refugee Situation, <https://data.unhcr.org/en/situations/ukraine>, last accessed on 4 July 2022.

<sup>2</sup> AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO (provided information only on registration), SE, SI, SK.

<sup>3</sup> Decision 2022/382 of 4 March 2022, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3A01.L\\_2022.071.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A071%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3A01.L_2022.071.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A071%3ATOC), last accessed 4 July 2022.

<sup>4</sup> AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO (provided information only on registration), SE, SI, SK.

<sup>5</sup> BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LV, MT, NL, PL, PT, SI, SE, SK (starting on 1 March 2022 temporary protection was part of a national protection scheme, but after the adoption of the Council Decision, temporary protection status is exclusively under the Temporary Protection Directive).

<sup>6</sup> BE, CZ (persons who have been illegally staying in the territory of the Czech Republic prior to 24 February 2022 and are not entitled to temporary protection have to apply for a visa for a stay of over 90 days to remain in the territory) DE, FI, FR, LV, SK.

<sup>7</sup> CZ, ES (only if they were in Spain before 24 February 2022), LT (only if they left Ukraine after 24 January 2022), LV, PL.

like social media platforms, television or radio to assist those fleeing the conflict in Ukraine.

Initial registration of temporary protection can take place at the border (both external and internal), or at other (reception) centres in the given country. Registration can also take place later if those entitled to temporary protection choose to travel to another Member State. As a form of initial registration, ten Member States reported issuing first a temporary certificate confirming the request for temporary protection, before a residence permit is confirmed and issued. For other Member States, there is only one registration process for temporary protection.

A few Member States reported that they have specific procedures in place to separately register minors traveling without their parents. In most cases, they are registered in the same systems as the adults, with additional information being collected on the adults they may travel with, and relevant documents are requested if the accompanying adults are not their parents. Specific procedures are then applied to the registration of unaccompanied minors.

#### Background:

#### **The study**

- Title: "EMN Inform on the application of the Temporary Protection Directive (Scope and Registration)".
- Subject: This inform relates to the scope of the Temporary Protection Directive, as well as the registration of persons fleeing the war in Ukraine, caused by Russia's invasion of Ukraine on 24 February 2022.

#### **The EMN**

The European Migration Network (EMN) is a Europe-wide network consisting of National Contact Points (NCPs) in the EU Member States, Norway, Georgia and Moldova, providing information on migration and asylum. The EMN was set up in 2008 by the European Commission on behalf of the European Council to satisfy the need for a regular exchange of reliable information on migration and asylum related issues at a European level.

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